



W.P(MD)No.19755 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19755 of 2022

K.M.Mohamed Ismail Sait

... Petitioner

Vs.

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai.

2.The Member Secretary,
Dindigul Town and Country Planning Authority,
No.14, Vivekananda Nagar,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation in respect of the lands of the petitioners situate in S.Nos.183/1-9, 184 and 188/1 and 2 Adiyanoothu village, Dindigul Taluk and District under the Adiyanoothu Detailed Development Plan No.3 to have lapsed in the light of Section 38 of the Tamilnadu Town and Country Planning Act 1971.

For Petitioner : Mr.M.Mohamed Rafi

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.



W.P(MD)No.19755 of 2022

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for road purposes in Adiyanoothu Detailed Development Plan (Plan No.3) published in the year 2005. No consequential steps for acquisition were taken. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is follows:-

*“38. Release of land.- If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27- (a) no declaration as provided in sub-section (2) of section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice; or
(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”*

3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such



W.P(MD)No.19755 of 2022

reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record.

4.The writ petition is allowed accordingly. No costs.

25.08.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai.
- 2.The Member Secretary,
Dindigul Town and Country Planning Authority,
No.14, Vivekananda Nagar,
Dindigul.



WEB COPY



W.P(MD)No.19755 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.19755 of 2022

25.08.2022